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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

SEP 12 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In Re Proposals of)
Salem Communications, Inc.)
Hardy & Carey)
and)
Lauren A. Colby)
to amend Section 73.3526 of)
the Commission's Rules)

RM Nos. 8856, 8857 & 8858

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To: The Commission

COMMENTS ON PETITIONS FOR RULEMAKING

Apex Associates, Inc. ("Apex"), Armak Broadcasters, Inc. ("Armak"), Starview Media, Inc. ("Starview"), Mountain View Broadcasting Company ("Mountain View"), Silverado Broadcasting Company ("Silverado") and Second Generation of Florida Ltd. ("Second Generation") by their undersigned attorney, hereby support the proposals put forth by Salem Communications, Inc., Hardy & Cary, and Lauren A. Colby, in the above-referenced rulemaking proceedings for amendment of Section 73.3526 of the Commission's rules to allow broadcast stations to maintain their public files at their main studios only, whether or not their main studios are located in their cities of license.

The proposals put forth in the petitions, and the arguments in support of the proposals, are virtually identical, and are virtually identical to a proposal for changes in the public file

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rule put forth in a Petition for Rulemaking filed on July 8, 1996, on behalf of Apex, Armak, Mountain View, Silverado and Starview. The fact that so many different parties have come to the same conclusion independently regarding the inadequacy, indeed absurdity, of requiring stations which maintain a main studio outside of their community of license to keep their public file at a location within their city of license rather than at their main studio is a strong indication that the proposed rule change has substantial merit.

The purpose behind the current requirement that broadcast stations maintain their public file in their community of license rather than at their main studio if their main studio is outside the city of license is to ensure that each station's public file will be accessible to the residents of their communities of license. However, since the purpose behind Section 73.1125 of the Commission's Rules (the "Main Studio Rule") is to ensure that a station's main studio will be accessible to the residents of the station's community of license, a separate requirement that stations maintain their public file in their community of license when their main studio is located outside that community is not needed in order to ensure accessibility.

Moreover, a station's public file is not only, or primarily, of interests to persons who reside within the station's community

of license. It is equal interest to all persons within the station's service area. This being the case, from the standpoint of making the public file accessible, the logical place to require that it be maintained is at the station's main studio which, in most cases, will have been selected by the licensee for its accessibility to the station's employees, advertisers, and listeners from throughout the station's service area.

The requirement that stations which do not have a main studio in their community of license maintain their public file within their city of license is of little practical benefit even to residents of the community of license, and may well render the public file information less "accessible" to residents of the community of license, and the public at large, than it would be if the public file were maintained at the station's main studio. When a person is interested in viewing a station's public file, he or she will typically make a trip to the station's main studio without inquiring in advance as to the location of the public file. Thus, the typical person in search of a public file is not aided by the requirement that the public file be maintained in the station's community of license, rather than at the station's main studio, and such persons would actually be inconvenienced by the rule were it not for the fact that most stations which are required to maintain their public file at a location other than their main studio also keep a duplicate public file at the

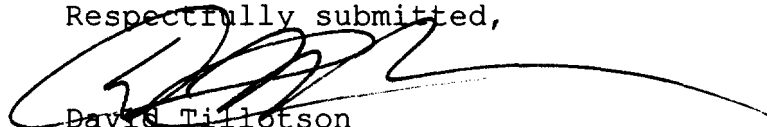
studio. Moreover, persons who call in advance to inquire about inspecting a station's public file are normally invited to inspect the duplicate file at the station's main studio and will not even be told of the existence of the official public file in the station's community of license unless they specifically ask about it.

Finally, from the standpoint of assisting members of the public in obtaining information, it does not make sense to require stations to maintain their public files at any location other than their own studios. Members of the public often have little if any knowledge as to the sort of information that stations are required to maintain in their public files. When they inspect the public file at the station, they can get assistance in locating information and reliable answers to any questions that they might have concerning the information that is, and is not, in the public file. Additionally, if a document is missing from the public file, station personnel often can locate the missing information, or arrange to obtain it. On the other hand, when a member of the public inspects a public file at a public library, public registry, or law office, it is doubtful that anyone at that location will be able to provide any assistance in finding documents or information or will even know whether any information required to be in the file is missing.

In sum, giving consideration to the objectives of the public

file rule, requiring stations to maintain a public file at any location other than their main studio not only does not benefit the public, but actually makes it more difficult and inconvenient for the members of the public to obtain public file information. Accordingly, it is respectfully submitted that a formal rulemaking proceeding should be instituted looking to change the public file rule to require that all stations maintain their public file at their authorized main studio without regard to whether that studio is located within or without their community of license.

Respectfully submitted,



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September 12, 1996

CERTIFICATE OF SERVICE

I, David Tillotson, do hereby certify that a copy of the foregoing Comments on Petitions for Rulemaking have been sent via facsimile this 12th day of September, 1996, to:

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